IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO : 14249 of 2005

Between:

1. Chandragiri Rosi Reddy S/o Nagireddy
R/o Thurakapalem, Thalluru Mandal,
Pakasham District, A.P.,
2 Ambati Dhanamma W/o Venkateswara Reddy
R/o Thurakapalem, Thalluru Mandal,
Pakasham District, A.P.,
3 Chandragiri Venkataratnam
S/o Chandragiri Venkata Reddy
R/o Thurakapalem, Thalluru Mandal,

Pakasham District, A.P.,

4 Annapureddy Thirupathi Reddy
S/o Venkata Reddy Venkata Reddy
R/o Thurakapalem, Thalluru Mandal,
Pakasham District, A.P.,
5 Batchu Venkata Subbulu D/o Subba Reddy
R/o Thurakapalem, Thalluru Mandal,

Pakasham District, A.P.,
6 Kosuri Seethamma @ Seetha
W/o Malakondaiah, R/o Thurakapalem,
Thalluru Mandal, Pakasham District, A.P.,
7 Chandragiri Arunakumari D/o Venkata Reddy
R/o Thurakapalem, Thalluru Mandal,
Pakasham District, A.P.,
8 Annapureddy Chimpiramma W/o Kotireddy

R/o Thurakapalem, Thalluru Mandal,
Pakasham District, A.P.,
9 Kundurru Venkatamma W/o Pitchi Reddy
R/o Thurakapalem, Thalluru Mandal,
Pakasham District, A.P.,
10 Chandragiri Subbulu W/o Venkata Reddy
R/o Thurakapalem, Thalluru Mandal,
Pakasham District, A.P.,

... PETITIONERS

AND

1 High Court of A.P. , rep by Registrar (Administration), In charge Registrar (Vigilance), High Court Premises High Court Buildigns, A.P., Hyderabad
2 The District and Sessions Judge, Prakasham at Ongole, A.P.,
3 The VIth Additional District and Sessions Judge (Fast Track Court), Prakasham at Markapur,
Prakasham District A.P.,

..RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ or order or direction under article 226 of the Constitution of India, Particularly one in the nature of Writ of Mandamus, declaring the circular Roc. No. 5445/El/02 dated 20-6-2005 as unjust arbitrary to the extent of transfer the MVO Ps. up to the Value of Rs. 3.00 lakhs of the petitioners to the court of third respondent after calling for the records.

Counsel for the Petitioners: MR.NUTHALAPATI KRISHNA MURTHY

Counsel for the Respondents: SMT.M.BHASKARA LAKSHMI (SC FOR APHC)

The Court made the following:

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ORDER: (Per MVR,J)

The petitioners herein are the petitioners in O.P.Nos.639, 647, 645, 649, 651, 621, 627, 629, 633 and 637 of 2000 respectively on the file of the learned Principal District Judge-cum-Motor Accident Claims Tribunal, Ongole.

All the cases arose out of the same accident, which occurred on 22-12-1998. The trial in seven of these cases was commenced, the evidence on petitioners' side was recorded and the Medical Officer is about to be examined.

In pursuance of the Circular in Roc.No.5445/E1/2002, dated 20.6.2005 issued by High Court of A.P., the said O.Ps were transferred to the file of learned VI-Additional District and Sessions Judge, (Fast Track Court), Motor Accident Claims Tribunal, Prakasham at Markapur, Prakasham District, 3rd respondent herein.

The learned Counsel for the petitioners contends that on account of the transfer

of the cases, the petitioners have to engage another Counsel and the same causes much hardship to them. He further contends that it is not desirable to transfer the cases to the Court of the 3rd respondent, when the trial was already commenced and some of the matters stood posted for the evidence of the Medical Officer. It is further contended that it would be advantageous if those matters are retained and disposed of by the learned Principle District Judge-cum-Chairman, Motor Accident Claims Tribunal, Ongole only.

The above cited Circular was issued by the High Court for the purpose of administrative convenience. The learned counsel concedes that the VI-Additional District and Sessions Judge, (Fast Track Court) also has jurisdiction to try the cases. Therefore, the learned Counsel has given up the contention that the above mentioned Circular is unjust and arbitrary. It is a common practice in subordinate Courts that whenever matters are transferred from one particular Court to another Court, hands are not laid on the part-heard cases pending in the Court from which the cases are transferred. Since majority of the above 10 mentioned cases are part-heard and all the 10 cases arise out of the same accident, we feel that it will be desirable and appropriate to order that the District and Sessions Judge himself shall try those cases, as the same would be convenient to the learned Principal District Judge, the parties and the Advocates as well.

Therefore, we order that the above mentioned
10 cases shall be retained by the Principal District Judge-cum-Motor Accident Claims Tribunal, Ongole, on his file, and dispose of them according to law.

With the above direction, the writ petition is disposed of.

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J. CHELAMESWAR, J.

Dated:14/07/2005

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M.VENKATESWARA REDDY, J.

GS/BUD

To

1 The Registrar (Administration), In charge Registrar (Vigilance), High Court of A.P.
High Court Premises High Court Buildigns, A.P., Hyderabad
2 The District and Sessions Judge, Prakasham at Ongole, A.P.,
3 The VIth Additional District and Sessions Judge (Fast Track Court), Prakasham at Markapur,
Prakasham District A.P.,

4 The Principal District Judge-cum-Motor Accidents Claims Tribunal, Ongole.

5 Two C.D. Copies.